

REMARKS/ARGUMENTS

Claims 1, 2, 4, 7 and 8 were pending. Claims 1, 2, 4, 7 and 8 were rejected. No claims were withdrawn. No claims were merely objected to and no claims were allowed. By the foregoing amendment, no claims are canceled, claims 1, 7 and 8 are amended, and new claims 11-13 are added. Support for the amendments to claims 1, 7 and 8 may at least be found at page 21, lines 14-25 of Applicant's specification as filed. No new matter is presented.

Rejection under 35 U.S.C. §102(b)

The Examiner has rejected claims 1, 2, 4, 7 and 8 under 35 U.S.C. §102(b) as being anticipated by U.S.P.N. 6,231,440 to Yamashita. Applicant traverses the rejection.

The examiner asserts claims 1, 2, 4, 7 and 8 of the present application are anticipated by Yamashita.

First, Applicant contends Yamashita fails to teach, either explicitly or inherently, the following claim elements of Applicant's claims as follows:

a) displaying normal image (map image) at normal state and combat image at combat state, i.e. switching display image based on normal state or combat state; and

b) displaying a combat image in short-range when the areas of player's element and opponent's element are adjacently positioned, and displaying a combat image in long-range when areas of player's element and opponent's element are not adjacently positioned

The feature a) corresponds to "... to display a normal state image on a preset display, which includes a map, at least one player's element, and at least one opponent's element, both elements being positioned on the map", and "wherein the map of

the normal state image comprises a plurality of areas, and each of the both elements is positioned in one of the plurality of areas respectively" in claim 1. Applicant contends Yamashita fails to teach Applicants' claimed map as recited.

Moreover, with regard to the feature b), Yamashita discloses changing weapons according to the distance between characters (column 7, lines 47 to 67 of Yamashita). On the other hand, the feature b) of the present invention is to change short-range image and long-range image in accordance with the distance between the player's element and opponent's element. Accordingly, Applicants contend Yamashita does not teach, either explicitly or inherently, the feature b) recited in Applicant's claims.

Secondly, the examiner insisted on page 3, line 6 to page 4 line, 11 of the outstanding Office action that the above features a) and b) are substantially disclosed in Yamashita. However, Applicants contend the examiner's reasoning is not convincing and lacks a proper basis.

Thirdly, in view of the aforementioned remarks, Applicants contend Yamashita clearly fails to teach, either explicitly or inherently, each and every claim element, and especially the features a) and b), of Applicant's claims, and that the examiner's rejection under 35 U.S.C. §102(e) should be withdrawn. Accordingly, Applicant contends the pending claims overcome the present rejection.

Notwithstanding the lack of teaching with respect to claimed features a) and b), Applicants also contend Yamashita fails to teach the movements of the player's and opponent's elements are influenced by geographical features of the display map. Yamashita discusses various movements of the player's and opponent's elements are influenced by a predetermined distance

between the player's and opponent's elements. The predetermined distance influences the movement of the elements rather than the geography where the player's and opponent's elements are situated. Once the predetermined distance is achieved, the second movement feature is activated and Yamashita teaches the game immediately brings the player's and opponent's element together to combat each other without consideration to the geography of the combat field.

Applicant draws the examiner's attention to amended independent claims 1, 7 and 8 and new dependent claims 11-13. Applicant contends Yamashita fails to consider how the player's and opponent's elements movements and resultant combat are influenced according to the geography and instead focuses solely upon the predetermined distance. Yamashita briefly mentions obstacles when teaching how to adapt the combat game taught therein to a new gaming embodiment, that is, a skiing game where a player must avoid hitting obstacles in its path. However, there is a distinction between avoiding obstacles placed in the path of a player's element and a geographical feature influencing the movements of both a player's and opponent's elements.

The skiing game contemplated would simply require the player's element to move downwardly, that is, down a ski path, and avoid obstacles without negotiating an opponent's movements as the obstacles are not moving in response to the player's movements. In contrast, the combat game taught therein requires player's element move according to the two types of movement determined by the aforementioned predetermined distance. Consequently, there is a distinction between avoiding obstacles as in the new gaming embodiment and a geographical feature influencing the movements of both a player's and opponent's

elements.

Moreover, the skiing game contemplated by Yamashita does not involve a combat scenario between the player's and opponent's elements. This is an important distinction given Yamashita teaches the movement and type of combat between player's and opponent's elements are both influenced by the predetermined distance between the elements.

For at least these reasons, Applicants contend Yamashita fails to teach each and every claim element recited in Applicants' claims.

In light of the foregoing, Applicants respectfully request the Examiner withdraw the rejection under 35 U.S.C. §102(b) and find claims 1, 2, 4, 7, 8 and 11-13 are allowable.

CONCLUSION

An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

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